

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/7/25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	16-CR-776 (VEC)
	:	
-against-	:	
	:	PROPOSED ORDER TO
LOUIS CIMINELLI,	:	RETURN CRIMINAL FINE,
	:	SPECIAL ASSESMENT, AND
Defendant.	:	<u>AND FORFEITURE</u>
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 4, 2018, this Court entered a Judgment ordering Louis Ciminelli to pay a fine of \$500,000 on Counts One and Four, and a special assessment of \$200 (Dkt. 939);

WHEREAS on December 18, 2019, a Satisfaction of Judgment was entered acknowledging that Mr. Ciminelli had paid \$500,200 to the Clerk of Court, representing the full sum of his fine and special assessment (Dkt. 1004);

WHEREAS on February 11, 2019, based on the Judgment and his then-existing convictions on Counts One and Four, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment that ordered Mr. Ciminelli to, *inter alia* and as stated in paragraph 6 of the preliminary order, pay and forfeit a money judgment of \$1,600,000 within 30 days of the issuance of the mandate on his appeal in connection with Counts One and Four (Dkt. 980);

WHEREAS on September 8, 2021, the United States Court of Appeals for the Second Circuit affirmed Mr. Ciminelli's convictions;

WHEREAS on December 14, 2021, the Court of Appeals issued its Judgment affirming Mr. Ciminelli's convictions as its Mandate (Dkt. 1031);

WHEREAS on February 18, 2022, Mr. Ciminelli filed a Petition for Writ of Certiorari in the Supreme Court;

WHEREAS on or about March 3, 2022, Mr. Ciminelli paid the full money judgment forfeiture amount of \$1,600,000 by delivering a check payable to the United States Marshals Service, to the United States Attorney's Office;

WHEREAS on June 30, 2022, the Supreme Court granted Mr. Ciminelli's Petition for Writ of Certiorari;

WHEREAS on May 11, 2023, the Supreme Court vacated the judgment of the Court of Appeals, and remanded the case for further consideration in light of *Ciminelli v. United States*, 598 U.S. 306 (2023);

WHEREAS, on July 10, 2023, the Court of Appeals recalled the Mandate that had issued in Mr. Ciminelli's appeal, and ordered that his appeal before the Court of Appeals be reinstated (Dkt. 1054);

WHEREAS on September 23, 2024, the Court of Appeals vacated Mr. Ciminelli's convictions for wire fraud conspiracy and wire fraud (Counts One and Four), and remanded for further proceedings, *United States v. Aiello (Ciminelli)*, 118 F.4th 291 (2d Cir. 2024) (Dkt. 1062); and

WHEREAS a new Mandate resulting from the Court of Appeals decision vacating Mr. Ciminelli's convictions issued on February 3, 2025, and was filed in this Court (Dkt. 1063);

IT IS HEREBY ORDERED THAT:

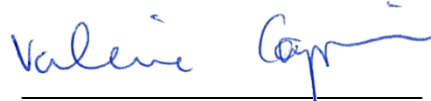
1. The Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (Dkt. 980) is vacated.

2. The Clerk of Court is respectfully directed to return \$500,200 to Mr. Ciminelli, representing the sum he paid to the Court in satisfaction of his fine and special assessment, by Electronic Funds Transfer using the banking information on the Form AO 213P Mr. Ciminelli will provide to the Finance/Cashier Department.

3. The Government is directed to return the \$1,600,000 money judgment forfeiture amount to Mr. Ciminelli in accordance with the ACH form Mr. Ciminelli will submit to the United States Attorney's Office.

SO ORDERED.

Date: March 7, 2025
New York, New York



VALERIE CAPRONI
United States District Judge